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China, Peoples Republic of

Planting Seeds

New Plant Variety Protection List Updated

2004

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Report Highlights:

China's State Forestry Administration published Decree 12, a list of forest plant species eligible for new plant variety protection, on October 14, 2004 for implementation from November 1, 2004. The list updates information previously covered in GAIN report CH3123. The State Forestry Administration and the Ministry of Agriculture receive and review applications from both domestic and foreign individuals and enterprises for Breeders' Rights for the seeds and seedlings included in their respective published lists; compiled in this report.

Includes PSD Changes: No
Includes Trade Matrix: No
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New Plant Variety Protection (PVP)

In March 1997, China agreed to the 1978 version of the convention for the International Union for the Protection of New Varieties of Seeds (UPOV) (See CH7023). As a member of this union, China may apply for international recognition and seed variety protection for its germplasm. As a member to this convention, China is required to honor other member countries' variety protection. China has not yet agreed to more recent versions of UPOV.

The introduction of China's Seed Law (CH0031) and the ensuing Seed Law Implementation Regulations (CH1052) encourages applications for protection of new plant variety. The Ministry of Agriculture (MOA) Department of Science and Education receives applications for crops and plants while the State Forestry Administration (SFA) receives applications for trees and shrubs. Each office is responsible for issuing its own decrees on newly protected varieties. MOA issued five decrees from 1999 through November 2004 while the SFA issued four decrees over the same time.

MOA reports from the time it began accepting applications in 1999 through November 15, 2004 the PVP office received nearly 1800 applications for new PVP. At present, slightly over 500 applications have been completely reviewed and approved. Additionally, MOA indicates four of the thirty-two foreign applications for new PVP were completely reviewed and approved. At present, there are 14 MOA DUS testing institutes and 21 SFA testing agencies around the country. For more information on these offices and their responsibilities, contact the following:

Ministry of Agriculture PVP Office	State Forestry Administration's PVP Office
No. 11 Nongzhanguannanli	No. 18 Hepingli Dong Jie
Chaoyang District	Chaoyang District
Beijing, China 100026	Beijing, China 100714
Tel: 86-10 64193029	Tel: 86-10 84238715
Fax: 86-10 64194661	Fax: 86-10 64213084
Web: www.cnpvp.cn	Web: www.cnpvp.net
Web2: www.stee.agri.gov.cn	

The tables on the following pages include all relevant Chinese government decrees. If a plant Genus or Species listed by MOA or SFA appears below, the government or its designated agency will examine the species novelty, distinctness, uniformity and stability. Approved applications receive breeders' rights.

According to MOA's PVP Office, Breeders' Rights means "The entity or person who has accomplished the breeding has an exclusive right to the protected variety. No other entity or person shall, without the consent of the holder of the variety rights, produce or sell for commercial purposes the propagating material of the said protected variety, or use for commercial purposes, the propagating material of the protected variety in a repeated manner in the production of the propagating material of another variety.

However, the exploitation of the protected variety shall not require authorization from, or payment of royalties to, the variety rights holder for the following purposes. Namely, exploitation of the protected variety for breeding and other scientific research and the use for propagating purposes by farmers, on their own land holdings, of the propagating material of the protected variety harvested on their own land holdings."

Special thanks to the USDA Agricultural Marketing Service Plant Variety Protection Office for helping provide some common names listed below.

State Forestry Administration and Ministry of Agriculture new PVP Eligibility List

New Plant Variety Protection Regulation	
State Forestry Administration Decree No. 12	
14-Oct-04	
Scientific Name	Common Name
Cycas Linn.	Group generally known as Cycads. Includes Bread Palm, Conehead Palm, Funeral Palm and Sago Palm.
Thuja Linn.	Arborvitae
Podocarpus L'Her. Ex Pers.	Without knowing species includes Kahika, White Pine, Red Pine, African Yellowwood, Japanese Yew, Buddhist Pine and Mahogany Pine.
Betula Linn.	Birch
Corylus Linn.	Filbert, Hazel and Hazelnut
Castanopsis Spach	Bush Chinquapin
Ulmus Linn.	Elm
Zelkova Spach	Zelkova
Morus Linn.	Mulberry
Ficus Linn.	Fig
Paeonia Linn.	Peony
Manglietia Blume	Sub group of Magnolia
Michelia Linn.	Sub group of Magnolia
Parakmeria Hu et Chang	Lotus Tree
Cinnamomum Trew	Depending on species Cinnamon, Cassia, Camphor, Ceylon.
Machilus Nees	Persea - Diverse group including Aguacate, Alligator Pear, Avocado, Palta and Sweet Bay.
Loropetalum R. Br.	Witch Hazel
Pterocarpus Jacq.	Source of Kino, dyes and fine cabinet wood. Includes Senegal Rosewood, West African Kino, Barwood, Burmese Rosewood and Sandalwood.
Zanthoxylum Linn.	Prickly Ash
Clausena Burm. F.	Wampi
Cotinus Mill.	Smoke Tree, Smokebush
Euonymus Linn.	Spindle Tree, Strawberry Bush, Wahoo, Burning Bush.
Koelreuteria Laxm.	Golden Rain Tree
Ampelopsis Michx.	Porcelain Berry, Pepper Vine
Parthenocissus Pl.	Woodbine
Punica Linn.	Pomegranate
Hedera Linn.	Common English Ivy
Ardisia Sw.	Includes Coralberry, Spiceberry, Malberry and Cape Myrtle
Fraxinus Linn.	Fraxinus? Ash Tree
Lycium Linn.	Matrimony Vine, Box Thorn
Catalpa Linn.	Catawba, Indian Bean Tree
Lonicera Linn.	Honeysuckle

New Plant Variety Protection Regulation	
Ministry of Agriculture Decree No. 32	
24-Jul-03	
Scientific Name	Common Name
Sorghum bicolor (L.) Moench	Sorghum
Hordeum L.	Barley
Boehmeria L.	Ramie
Malus Mill.	Apple
Citrus L.	Citrus
Musa acuminata Colla	Banana
Actinidia Lindl.	Kiwi
Vitis L.	Grape
Prunus salicina Lindl. & P. domestica L. & P. cerasifera Ehrh	Plum
Solanum melongena L.	Eggplant
Gerbera jamesonii Bolus	African Chrysanthemum
New Plant Variety Protection Regulation	
State Forestry Administration Decree No. 6	
2-Dec-02	
Scientific Name	Common Name
Pinus Linn.	Pine
Picea Dietr.	Spruce
Taxodium Rich.	Cypress
Sabina Mill.	Juniper
Liriodendron Lindl.	Tulip tree
Chaenomeles Lindl.	Flowering Quince
Acacia Willd.	Acacia
Sophora Linn.	Necklacepod
Robinia Linn.	Locust
Syringa Linn.	Lilac
Forsythia Vahl	Forsythia
Buxus Linn.	Boxwood
Euphorbia Linn.	Spurge
Acer Linn.	Maple
Hippophae Linn.	Seabuckthorn
Ailanthus Desf.	Ailanthus
Bambusa Retz. corr. Schreber	Bamboo
Indocalamus Nakai	unavailable
Phyllostachys Sieb. et Zucc.	Bamboo
Calamus Linn.	Calamus
Daemonorops Blume	unavailable

New Plant Variety Protection Regulation	
Ministry of Agriculture Decree No. 3	
4-Jan-02	
Scientific Name	Common Name
<i>Ipo moea batatas</i> (L.) Lam.	Sweet Potato
<i>Setaria italica</i> (L.) Beauv.	Millet
<i>Prunus persica</i> (L.) Batsch.	Peach
<i>Litchi chinensis</i> Sonn.	Lychee
<i>Citrullus lanatus</i> (Thunb.) Matsume et Nakai	Watermelon
<i>Brassica oleracea</i> L. var. <i>capitata</i> (L.) Alef. Var. <i>alba</i> DC	Round Cabbage
<i>Raphanus sativus</i> L. var. <i>longipinnatus</i> Bailey & <i>Raphanus sativus</i> L. var. <i>radiculus</i> Pers.	Edible Radish
New Plant Variety Protection Regulation	
Ministry of Agriculture Decree No. 46	
26-Feb-01	
Scientific Name	Common Name
<i>Cymbidium</i> Sw.	Orchid
<i>Lilium</i> L.	Lily
<i>Strelitzia</i> Ait.	Bird of Paradise
<i>Limonium</i> Mill.	Sea Lavender
New Plant Variety Protection Regulation	
Ministry of Agriculture Decree No. 27	
7-Mar-00	
Scientific Name	Common Name
<i>Triticum aestivum</i> L.	General Wheat
<i>Glycine max</i> (L.) Merrill	Soybean
<i>Brassica napus</i> L.	Swede Rape
<i>Arachis hypogaea</i> L.	Peanut
<i>Lycopersicon esculentum</i> Mill.	General tomato
<i>Cucumis Sativus</i> L.	Cucumber
<i>Capsicum</i> L.	Pepper
<i>Pyrus</i> L.	Pear
<i>Rumex</i> L.	Garden Sorrel

New Plant Variety Protection Regulation	
State Forestry Administration Decree No. 5	
2-Feb-00	
Scientific Name	Common Name
Populus	Poplar
Salix	Willow
Eucalyptus	Eucalyptus
Castanea mollissima	Chestnut
Juglance	Walnut
Zizyphus jujuba	Chinese Date
Diospyros kaki	Persimmon
Prunus armeniaca	Apricot
Ginkgo biloba	Ginkgo
Vernicia	Tungoil Tree
Taxus	Chinese Yew
Rhododendron	Azalea
Prunus persica	Peach Blossom
Lagerstroemia indica	Common Crapemyrtle
Prunus triloba	Flowering Almond
Chimonanthus praecox	Wintersweet
Osmanthus fragrans	Sweet scented osmanthus
New Plant Variety Protection Regulation	
Ministry of Agriculture Decree No. 14	
16-Jun-99	
Scientific Name	Common Name
Oryza sativa L.	Rice
Zea mays L.	Corn
Brassica campestris L. Ssp. Pekineses (Lour.) Olsson	Chinese Cabbage
Solanum tuberosum L.	Potato
Cymbidium goeringii Rchb. F	Goering Cymbidium
Chrysanthemum L.	Chrysanthemum
Dianthus L.	Pink Family Bamboo
Gladiolus L.	Gladiolus
Medicago sativa L.	Alfalfa
Poa pratensis L.	Kentucky Bluegrass

New Plant Variety Protection Regulation	
State Forestry Administration Decree No. 2	
22-Apr-99	
Scientific Name	Common Name
Populus tomentosa	Chinese White Poplar
Paulownia	Paulownia
Cunninghamia lanceolata	Chinese Fir
Magnolia	Lily Magnolia
Paeonia suffruticosa	Peony
Prunus mume	Plum
Rosa	Rose
Camellia	Camellia